

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF MISSOURI

DAVID BUTLER and KATHY BUTLER, )  
his wife, )

Petitioners, )

vs. )

Cause No. 22-cv-00963-HEA

A.W. CHESTERTON COMPANY, et al. )

Defendants. )

**STIPULATION OF DISMISSAL**

Petitioners DAVID BUTLER and KATHY BUTLER, and Defendant DEERE & COMPANY, (hereinafter “Defendant”) file this stipulation of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

1. Petitioners sued Defendant in the 22<sup>nd</sup> Circuit Court, City of St. Louis, Missouri on February 8, 2022. The action was subsequently removed to this Court on September 14, 2022.
2. Petitioners hereby move to dismiss the suit without prejudice as to Defendant DEERE & COMPANY, only.
3. Defendant, who served an answer to Petitioners’ Petition prior to removal, agrees to the dismissal.
4. This case is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Rule 23.1, or action related to an unincorporated association under Rule 23.2.
5. This case is not governed by any federal statute that requires a court order for dismissal of the case as to Defendant.

6. A receiver has not been appointed in this case.
7. Petitioners have not previously dismissed any federal- or state-court suit on or including the same claims as those presented in this case.
8. This dismissal without prejudice, each party to bear its own costs.

Respectfully submitted,

By: /s/ Andrew Murrie  
Andrew Murrie, MO#59300  
SIMMONS HANLY CONROY  
One Court Street  
Alton, IL 62002  
amurrie@simmonsfirm.com  
Tel.: (618) 259-2222  
Fax: (618) 259-2251  
**Attorneys for Plaintiffs**

AND

By:   
Matthew J. Fischer, #67551  
Ali Myhre, #  
RILEY SAFER HOLMES & CANCELILA LLP  
70 W. Madison Street, Suite 2900  
Chicago, IL 60602  
mfischer@rshc-law.com  
amyhre@rshc-law.com  
Tel.: 312-471-8700  
Fax: 312-471-8701  
**Attorneys for DEERE & COMPANY**

**CERTIFICATE OF SERVICE**

I certify that on October 3, 2022, a copy of the Stipulation for Dismissal, was served by e-mail on the following attorneys in charge for:

/s/Andrew Murrie  
Andrew Murrie

**Attorneys for BRAND INSULATIONS, INC. and PNEUMO ABEX LLC successor-in-interest to Abex Corporation f/k/a Pneumo Abex Corporation**

Matthew E. Pelikan  
COSMICH AND SIMMONS LLC  
10 S. Broadway, Suite 1100  
St. Louis, MO 63102  
[Matthew.pelikan@cs-law.com](mailto:Matthew.pelikan@cs-law.com)  
Tel: 601-863-2100  
Fax: 601-863-0078

**Attorneys for BWDAC INC., f/k/a BWD AUTOMOTIVE CORPORATION**

Marcie J. Vantine  
SWANSON, MARTIN & BELL, LLP  
800 Market Street, Suite 2100  
St. Louis, MO 63101  
[mvantine@smbtrials.com](mailto:mvantine@smbtrials.com)  
Tel.: 314-241-7100

**Attorneys for CASE NEW HOLLAND INDUSTRIAL, INC. and CNH INDUSTRIAL AMERICA LLC**

Erick E. VanDorn  
Lindsay Gilmore  
THOMPSON COBURN LLP – Belleville  
525 W. Main Street, Suite 300  
Belleville, IL 62220  
[evandorn@thompsoncoburn.com](mailto:evandorn@thompsoncoburn.com)  
[lgilmore@thompsoncoburn.com](mailto:lgilmore@thompsoncoburn.com)  
Tel: 618-277-4700  
Fax: 618-236-3434

**Attorneys for CARLISLE INDUSTRIAL BRAKE & FRICTION, INC.**

Jeffrey T. Bash  
LEWIS BRISBOIS BISGAARD & SMITH LLP  
Mark Twain Plaza II  
103 West Vandalia, Suite 300  
Edwardsville, IL 62025  
[jbash@lewisbrisbois.com](mailto:jbash@lewisbrisbois.com)  
Tel.: 618-307-7290

Fax: 618-692-6099

**Attorneys for CATERPILLAR, INC.**

Julie A. Simaytis  
BAKER STERCHI  
100 North Broadway, 21<sup>st</sup> Floor  
St. Louis, MO 63102  
[jsimaytis@bscr-law.com](mailto:jsimaytis@bscr-law.com)  
Tel: 314-345-5000  
Fax: 314-345-5010

**Attorneys for CBS CORPORATION, a Delaware corporation f/k/a VIACOM INC. successor-by-merger to CBS CORPORATION, a Pennsylvania corporation f/k/a WESTINGHOUSE ELECTRIC CORPORATION**

Daniel G. Donahue  
FOLEY & MANSFIELD, P.L.L.P.  
101 South Hanley Road, Suite 600  
St. Louis, MO 63105  
[ddonahue@foleymansfield.com](mailto:ddonahue@foleymansfield.com)  
Tel.: 314-925-5700  
Fax: 314-925-5701

**Attorneys for REDCO CORPORATION f/k/a CRANE CO., GENERAL ELECTRIC COMPANY, and HERCULES, LLC**

Julie Fix Meyer  
Anita Kidd  
Greg Iken  
Bryan D. Nicholson, #53083  
ARMSTRONG TEASDALE LLP  
7700 Forsyth Blvd., Suite 1800  
St. Louis, MO 63105  
[jfixmeyer@atllp.com](mailto:jfixmeyer@atllp.com)  
[giken@atllp.com](mailto:giken@atllp.com)  
[akidd@atllp.com](mailto:akidd@atllp.com)  
[bnicholson@atllp.com](mailto:bnicholson@atllp.com)  
Tel.: 314-621-5070  
Fax: 314-621-5065

**Attorneys for CUMMINS, INC.**

Nathan A. Lindsey  
Dillon B. Williams  
RASMUSSEN DICKEY MOORE, LLC  
10 S. Broadway, Suite 1520  
St. Louis, MO 63102  
[nlindsey@rdm.law](mailto:nlindsey@rdm.law)  
[dwilliams@rdm.law](mailto:dwilliams@rdm.law)

Tel.: 314-391-2260

Fax: 312-767-9780

**Attorneys for DAIMLER TRUCKS NORTH AMERICA LLC and WESTERN AUTO SUPPLY COMPANY**

Robert W. Stephens

James R. Grabowski

April Vesely

Amber Hummel

John Arranz,

SWANSON, MARTIN & BELL, LLP

330 N. Wabash Ave., Suite 3300

Chicago, IL 60611

[rstephens@smbtrials.com](mailto:rstephens@smbtrials.com)

[jgrabowski@smbtrials.com](mailto:jgrabowski@smbtrials.com)

[avesely@smbtrials.com](mailto:avesely@smbtrials.com)

[ahummel@smbtrials.com](mailto:ahummel@smbtrials.com)

Tel.: 312-321-9100

Fax: 312-321-0990

**Attorneys for DEERE & COMPANY**

Matthew J. Fischer

Ali Myhre

RILEY SAFER HOLMES & CANCELIA LLP

70 W. Madison Street, Suite 2900

Chicago, IL 60602

[mfischer@rshc-law.com](mailto:mfischer@rshc-law.com)

[amyhre@rshc-law.com](mailto:amyhre@rshc-law.com)

Tel.: 312-471-8700

Fax: 312-471-8701

**Attorneys for EATON CORPORATION and MORSE TEC LLC, f/k/a BORGWARNER MORSE TEC LLC, and Successor-by-Merger to BORG-WARNER CORPORATION**

Dyanna Ballou

Sarah Elise Schwartz

RASMUSSEN, DICKEY & MOORE, L.L.C.

1001 E. 101<sup>st</sup> Terrace

Kansas City, MO 64131

[dballou@rdm.law](mailto:dballou@rdm.law)

[sschwartz@rdm.law](mailto:sschwartz@rdm.law)

Tel.: 816-960-1611

Fax: 816-960-1669

**Attorneys for FORD MOTOR COMPANY**

Alex Craig Riley

Sherry A. Rozell

MCAFEE AND TAFT PC – Springfield  
4050 S. Fairview Avenue  
Springfield, MO 65807  
[alex.riley@mcafeetaft.com](mailto:alex.riley@mcafeetaft.com)  
[sherry.rozell@mcafeetaft.com](mailto:sherry.rozell@mcafeetaft.com)  
Tel: 918-574-3001  
Fax: 918-574-3101

**Attorneys for GENERAL GASKET CORPORATION, JOHN CRANE, INC., and MISSOURI DRYWALL SUPPLY INC.**

A.J. Bronsky  
Agota Peterfy  
BROWN & JAMES, P.C.  
800 Market Street, Suite 1100  
St. Louis, MO 63101  
[ajbronsky@bjpc.com](mailto:ajbronsky@bjpc.com)  
[apeterfy@bjpc.com](mailto:apeterfy@bjpc.com)  
Tel.: 314-421-3400

**Attorneys for INDUSTRIAL HOLDINGS CORPORATION, f/k/a The Carborundum Company**

Brenda G. Baum  
HEPLER AND BROOM  
103 W. Vandalia Street  
Suite 300, P.O. Box 510  
Edwardsville, IL 62025  
[hbash@heplerbroom.com](mailto:hbash@heplerbroom.com)  
Tel: 618-656-0184  
Fax: 618-656-1364

**Attorneys for J.P. BUSHNELL PACKING SUPPLY CO.**

Anna G. O'Connor  
SINARS SLOWIKOWSKI TOMASKA LLC  
800 Market Street, Suite 2950  
St. Louis, MO 63101  
[agoconnor@sinarslaw.com](mailto:agoconnor@sinarslaw.com)  
Tel.: 314-391-2260  
Fax: 312-767-9780

**Attorneys for MACK TRUCKS INC. and VOLVO GROUP NORTH AMERICA INC.**

Curtis R. Picou  
Mary G. Sullivan  
CRIVELLO CARLSON LLC  
1012 Plummer Drive, Suite 201  
Edwardsville, IL 62025  
[cpicou@ccpalaw.com](mailto:cpicou@ccpalaw.com)

[msullivan@ccpalaw.com](mailto:msullivan@ccpalaw.com)

Tel: 618-655-0006

Fax: 618-655-0250

**Attorneys for MCKESSON CORPORATION and RILEY STOKER CORPORATION**

Kent L. Plotner

HEYL ROYSTER PC – Edwardsville

105 W. Vandalia Street, Suite 100

Edwardsville, IL 62025

[kplotner@heyloyster.com](mailto:kplotner@heyloyster.com)

Tel: 618-656-4646

**Attorneys for NAVISTAR INC.**

Clement David Warr, Jr.

Leo C. Chmielewski

SWANSON MARTIN LLP – St. Louis

One Bank of America Plaza

800 Market Street, Suite 2100

St. Louis, MO 63101

[cwarr@smbtrials.com](mailto:cwarr@smbtrials.com)

[lchmielewski@smbtrials.com](mailto:lchmielewski@smbtrials.com)

Tel: 314-241-71000

Fax: 314-241-7106

**Attorneys for OSHKOSH CORPORATION**

Sarah B. Mangelsdorf, #59918

GOLDBERG SEGALLA LLP

8000 Maryland, Suite 640

St. Louis, MO 63105

[smangelsdorf@goldbergsegalla.com](mailto:smangelsdorf@goldbergsegalla.com)

Tel.: 314-446-3350

Fax: 314-446-3360

**Attorneys for PACCAR INC.**

Mark D. Crapo

GORDON REES LLP – St. Louis

211 N. Broadway, Suite 2150

St. Louis, MO 63102

[mcrapo@grsm.com](mailto:mcrapo@grsm.com)

Tel: 314-665-1307